

No. 2776

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

EDWARD WHITE, as Commissioner
of Immigration at the Port of
San Francisco,

Appellant,

VS.

TOM YUEN,

Appellee.

BRIEF FOR APPELLEE.

JOHN L. McNAB,
TIMOTHY HEALY,
Attorneys for Appellee.

Filed this.....day of March, 1917.

FRANK D. MONCKTON, Clerk.

By.....Deputy Clerk.

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BRIEF FOR APPELLEE.

The Secretary of Labor issued a warrant of deportation on the assumption that jurisdiction was conferred by the alleged entry of Tom Yuen into the United States within three years prior to his arrest by Immigration Officers at Los Angeles, California.

The only evidence in the record supporting this theory is the ex parte statement of one Acosta, a police officer in Juarez, Mexico, who declared that a photograph shown him was that of a Chinese whom Acosta saw in Mexico in the latter part of December, 1914, or the early part of January, 1915. The photograph shown Acosta was a photograph of appellee.

Acosta was never confronted by Tom Yuen.

Appellee can add nothing to the decisions on the point in the cases of

Whitfield v. Hanges, 222 Fed. 748-749 (Eighth Circuit);

Backus v. Owe Sam Goon, 235 Fed. 847 (Ninth Circuit).

Dated, San Francisco,
March 7, 1917.

Respectfully submitted,

JOHN L. McNAB,

TIMOTHY HEALY,

Attorneys for Appellee.

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